

Notice of Allowability

Application No.

10/509,080

Examiner

Margaret G. Moore

Applicant(s)

KOSUGE ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 7/6/07.
2. ☒ The allowed claim(s) is/are 16-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

1. The following is an examiner's statement of reasons for allowance: Upon reconsideration and in light of applicants' remarks, the Examiner agrees that the instant claims are neither taught nor suggested by the prior art. While applicants argue that the composition in Naito et al. is solvent free, this is not entirely accurate. Column 20, lines 53 to 57, teach the addition of various components that are typically considered to be solvents and, to this extent, the Examiner notes that no amount of solvent is required by the claims. Column 23, lines 12 to 15, also teaches the addition of solvents. When considering obviousness, however, one must consider the totality of that claimed. The requirement of a solvent, combined with the specific component (1), the specific catalyst, the specific fiber and the "consisting of" language is sufficiently limiting such that the skilled artisan would not have found the necessary combination of requirements obvious over the teachings in Naito et al.

One must select from among various components in Naito et al. to arrive at compound (1) and the catalyst as claimed. If this were the only selections necessary the Examiner would maintain a position of obviousness. However in addition to this, one must consider whether or not the catalyst in Naito et al. is required. A reading of column 21, in which the amount of catalyst can be "minimized" does give the impression that at least some catalyst is required. The catalyst in Naito et al. can be the same as the claimed catalyst (for instance column 20 teaches dibutyltin diacetate) but selecting from the numerous crosslinking agents and various catalysts in Naito et al. to arrive at ones that are embraced by the claimed catalyst amounts to picking and choosing. Any other crosslinking agent or catalyst is excluded by the "consisting of" language.

In addition to these considerations, one must consider the obviousness of the specific fiber selection (note that the fiber required by the claims is not actually recited in Naito et al.) as well as the obviousness of adding a solvent. Clearly there are too many different factors involved in arriving at the instant claims such that they cannot be considered obvious over the prior art. The Examiner notes that all of the claims are drawn to processes.


Art Unit: 1712

2. No obviousness-type double patenting rejection is made over 09/874,055 since the necessary polyparaphenylene terephthalamide fiber is not obvious over the paper material or fiber material comprising a hydroxyl group found in the claims of '055

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret G. Moore whose telephone number is 571-272-1090. The examiner can normally be reached on Monday and Wednesday to Friday, 10am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Margaret G. Moore
Primary Examiner
Art Unit 1712

mgm
9/10/07